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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,759	07/23/2001	Lee C. Harrison	922-141	2504

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EXAMINER
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LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/909,759

Applicant(s)

HARRISON ET AL.

Examiner

Andrew C Lee

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page 3, the reference element "a node 10". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig 2, the reference element "20"; Fig 3, the reference element "30"; Fig 4, the reference element "40". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - For the whole disclosure, the full stops/periods are missing at the end of the complete sentence or at the end of paragraph.
  - Page 3, line 17, the reference element "a node 10" is not indicated in the figure.
  - Page 5, line 15, the closing bracket and period are missing at the end "Telephony Control Protocol Specification"
  - Page 8, line 1, the reference element "line 24" is a typo (?).
  - Page 9, line 29, the Office would request the Applicants to clarify the input signal range. The Office assumes it is a typo. It should be " 2.400 GHZ to 2.480 GHz" instead of "2400 GHz to 2480 GHz"
  - The Office suggests that the reference element "HCl" using full name should be mentioned somewhere in the disclosure before introducing the acronym.
  - Page 12, line 12, there is a typo. The reference element "dunb" should be "dumb".

- The drawing (5/6), the title is missing.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed (U.S. Patent No. 6665549 B1) in view of Moberg et al. (U.S. Patent No. 6578084 B1).

Regarding Claims 1, 6, Reed discloses the limitation of a system for receiving data signals (Fig. 1, column 5, lines 4 – 18), comprising a radio receiver including a baseband processor for providing serial data signals composed of data frames each including a packet payload (column 5, lines 28 – 40), Reed does not disclose expressly means for encapsulating said data frames within Ethernet packets, a transmission link for conveying said Ethernet packets, and means for receiving the Ethernet packets from said link and de-encapsulating said Ethernet packets to recover said data frames.

Moberg et al. discloses the limitation of means for encapsulating said data frames within Ethernet packets (Fig. 2, column 5, lines 20 - 25), a transmission link for conveying said

Art Unit: 2664

Ethernet packets (Fig. 2, element 16, column 5, lines 1 – 2), and means for receiving the Ethernet packets from said link and de-encapsulating said Ethernet packets to recover said data frames (column 5, lines 55 – 57). It would have been obvious to modify Reed to include means for encapsulating said data frames within Ethernet packets, a transmission link for conveying said Ethernet packets, and means for receiving the Ethernet packets from said link and de-encapsulating said Ethernet packets to recover said data frames such as that taught by Moberg et al in order to provide connections to the Internet or to the networks of other organizations.

Regarding claim 2, Reed discloses the limitation of a system for receiving data signals (Fig. 1, column 5, lines 4 – 18), Reed does not disclose expressly a system according to claim 1 and further comprising means, coupled to receive said data frames from said means for receiving, for converting said data frames into addressed Ethernet packets. Moberg et al. discloses the limitation of a system according to claim 1 and further comprising means, coupled to receive said data frames from said means for receiving (column 7, lines 26 – 35), for converting said data frames into addressed Ethernet packets (column 8, lines 46 – 49). It would have been obvious to modify Reed to include a a system according to claim 1 and further comprising means, coupled to receive said data frames from said means for receiving, for converting said data frames into addressed Ethernet packets such as that taught by Moberg et al. in order to provide connections to the Internet or to the networks of other organizations.

Regarding claim 5, Reed discloses the limitation of a system according to claim 1 wherein said radio receiver is a spread spectrum radio receiver (column 5, lines 14 – 17; lines 36 – 38).

6. Claims 3, 4, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed (U.S. Patent No. 6665549 B1) and Moberg et al. (U.S. Patent No. 6578084 B1) as applied to claims 1, 2, 5, 6 above, and further in view of Bordonaro et al. (U.S. Patent No. 6798775 B1).

Regarding claims 3 and 7, both Reed and Moberg et al. do not disclose expressly a system according to claim 1 and including means for tagging said data frames before they are encapsulated within Ethernet packets. Bordonaro et al. discloses the limitation of expressly a system according to claim 1 and including means for tagging said data frames before they are encapsulated within Ethernet packets (Fig. 7, element 720; column 9, lines 50 – 56). It would have been obvious to modify Reed and Moberg et al to include a system according to claim 1 and including means for tagging said data frames before they are encapsulated within Ethernet packets such as that taught by Bordonaro et al. in order to transfer of packets over a computer network, and more particularly to the use of a virtual local area network to address packets to a desired group of users throughout a wide area network.

Regarding claims 4 and 8, both Reed and Moberg et al. do not disclose

expressly a system according to claim 1 wherein the means for encapsulating inserts at least one of said data frames followed by padding data into the message section of an Ethernet frame. Bordonaro et al. discloses the limitation of a system according to claim 1 wherein the means for encapsulating inserts at least one of said data frames followed by padding data into the message section of an Ethernet frame (Fig. 7, element 716, column 9, lines 40 – 41). It would have been obvious to modify both Reed and Moberg et al. to include a a system according to claim 1 wherein the means for encapsulating inserts at least one of said data frames followed by padding data into the message section of an Ethernet frame such as that taught by Bordonaro et al. in order to transfer of packets over a computer network, and more particularly to the use of a virtual local area network to address packets to a desired group of users throughout a wide area network.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

AU:2664

21Jan 2005

  
Ajit Patel  
Primary Examiner